

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: May 26, 2016

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoking Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1172 for Heritage Brook Subdivision Phase 1.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  \_\_\_\_\_

Date: 05/18/2016

**RESOLUTION NO. 16-\_\_\_\_\_**

**WHEREAS**, Bryant Bank issued a certain letter of credit (No. 1172), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

**WHEREAS**, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to Bryant Bank Letter of Credit No. 1172, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

**ADOPTED** this the 26th day of May, 2016.

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President of the City Council  
of the City of Huntsville,  
Alabama

**APPROVED** this the 26th day of May, 2016.

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Mayor of the City of  
Huntsville, Alabama

June 2, 2015

**Beneficiary:**

City of Huntsville  
Clerk Treasurers Office  
P O Box 308  
Huntsville, AL 35804

**Applicant:**

Concord Development, Inc  
Legacy Homes of Alabama, Inc.  
1806 University Drive  
Huntsville, AL 35801

**OUR IRREVOCABLE LETTER OF CREDIT NO. 1172  
AMENDMENT NO. 1**

**Gentlemen:**

The above mentioned letter of credit is hereby amended as follows:

**\*THE LETTER OF CREDIT HAS BEEN EXTENDED TO JUNE 2, 2016**

**\*THE LETTER OF CREDIT HAS BEEN LOWERED IN AMOUNT TO \$22,700.00**

All other terms and conditions remain unchanged.

This amendment is an integral part of this letter of credit and must be attached hereto.



Kenneth D Watson

President

Bryant Bank

OK  
CST

6/22/15

MS  
6/18/15

MW  
6-19-15

JM  
6-22-15

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# BRYANT BANK

## IRREVOCABLE LETTER OF CREDIT NO. 1172

Beneficiary:

City of Huntsville  
P.O. Box 308  
Huntsville, AL. 35804

Account Party:

Concord Land Development, Inc  
Legacy Homes of Alabama, Inc  
1806 University Drive  
Huntsville, AL 35801

Bank:

Bryant Bank  
415-H Church St STE 100  
Huntsville, AL. 35801

Subject: Article 5 Sidewalk, Letter of Credit for  
Heritage Brook Subdivision, Phase One

Amount: \$35,060.00

Issue Date: 06/03/2014

Expiration Date: 06/03/2015

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective 06/03/2014, for a sum not to exceed the aggregate of \$35,060.00 Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Bryant Bank, 415-H Church Street Suite 100, Huntsville, AL 35801

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

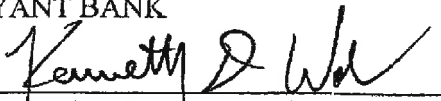
**The original of this Letter of Credit must be presented with any drawing.**

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

BRYANT BANK

By:

  
Kenneth D Watson, President

MW 6-11-14  
DS 6-11-14

OK KCA 6/13/14

OK  
CEIT  
6/16/14

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